

**COUNTY COUNCIL**

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**Council Services Division**  
4396 Rice Street, Suite 209  
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**MEMORANDUM**

March 28, 2014

**TO:** Bernard P. Carvalho, Jr., Mayor  
**FROM:** Jay Furfaro, Council Chair  
**RE:** **MARCH 27, 2014 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its March 27, 2014 Council Meeting:

**CONSENT CALENDAR:**

C 2014-78 Communication (02/28/2014) from the Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Condition No. 19 of Ordinance No. PM-2004-370, as amended by Ordinance No. PM-2010-400, relating to the Kukui'ula Workforce Housing and Ordinance No. PM-2005-374 (*Kukui'ula Development Company (Hawaii'i), LLC and Kaua'i County Housing Agency, Applicants*) (*Applicants' petition, Planning Director's Report and Supplement #1 to Planning Director's Report, on file in the County Clerk's Office.*) (*Received for the Record.*)

C 2014-79 Communication (03/07/2014) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointees to the various Boards and Commissions for the County of Kaua'i:

1. Civil Service Commission
    - Nancy P. Golden – Term ending 12/31/2016
  2. Liquor Control Commission
    - Paul N. Endo – Term ending 12/31/2016
  3. Public Access, Open Space, and Natural Resources Preservation Fund Commission
    - Karen M. Ono – Term ending 12/31/2015
  4. Salary Commission
    - Lenie F. P. Nishihira – Term ending 12/31/2016
- (Received for the Record.)**

AN EQUAL OPPORTUNITY EMPLOYER

C 2014-81 Communication (03/14/2014) from the Mayor, transmitting his Fiscal Year 2014-2015 Budget Message, along with the proposed Operating Budget, Capital Improvements Projects (CIP) Budget, and Schedule of Charges and Fees. *(Detailed Line Item Budget on file in the County Clerk's Office.) (Received for the Record.)*

C 2014-82 Communication (03/14/2014) from the Director of Planning, transmitting for Council consideration, a Bill for an Ordinance to amend Chapter 8, Article 17, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance, to increase the fee charged by the Planning Department from \$500 to \$750 for non-conforming use certificate fees charged as a part of the County's Transient Vacation Rental (TVR) program. *(Received for the Record.)*

C 2014-83 Communication (03/14/2014) from the Director of Finance, transmitting for Council consideration, a Bill for an Ordinance to amend Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, and Natural Resources Preservation Fund to establish a floor of one-half percent (0.5%), as stated in the Kaua'i County Charter, and a ceiling of one and one-half percent (1.5%) of the annual certified Real Property Tax revenues appropriated to said Fund. *(Received for the Record.)*

C 2014-84 Communication (03/14/2014) from the Director of Finance, transmitting for Council consideration, a Bill for an Ordinance to amend Section 21-9.2 of the Kaua'i County Code 1987, as amended, relating to Integrated Solid Waste Management, to increase the Solid Waste Tipping Fees imposed for business, commercial, and other nonresidential disposal fees. *(Received for the Record.)*

C 2014-85 Communication (03/14/2014) from the Director of Finance, transmitting for Council consideration, a Bill for an Ordinance to amend Section 5-2.3 of the Kaua'i County Code 1987, as amended, relating to the Motor Vehicle Weight Tax, to increase the Motor Vehicle Weight Tax rates for both Passenger and Freight vehicles. *(Received for the Record.)*

C 2014-86 Communication (03/14/2014) from Council Chair Furfaro, transmitting for Council consideration, a Resolution requesting that the State of Hawai'i and affected community members expand eradication and prevention efforts regarding Little Fire Ants. *(Received for the Record.)*

#### COMMUNICATIONS:

C 2014-80 Communication (03/10/2014) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing the Filing of the Kaua'i County 2014 Action Plan (Community Development Block Grant) with the Department of Housing and Urban Development, United States of America, for a Grant Under Title I of the Housing and Community Development Act of 1974 and 1987 (Public Laws 93-383 and 100-242), As Amended. *(Received for the Record.)*

C 2014-87 Communication (02/03/2014) from Council Chair Furfaro, requesting the presence of Michael J. Belles, Esq., to provide the Council with the first quarterly progress report relating to the rebuilding of the Coco Palms Hotel by Coco Palms Hui, LLC. *(Received for the Record.)*

C 2014-88 Communication (03/04/2014) from the Executive on Transportation, requesting Council approval to amend the amount authorized to receive, indemnify, and expend the Federal Fiscal Year 2013 Federal Transit Administration (FTA) Section 5339 Annual Apportionment provided to the County of Kaua'i to support public transit capital expenses, by increasing the amount by \$15,833, for a total grant award of \$415,833. *(Approved.)*

C 2014-89 Communication (03/05/2014) from Council Chair Furfaro, requesting the presence of the County Engineer, to provide an update on the Ala Kalanikaumaka Street off-site drainage area and the efforts of the Department of Public Works to address the reported problems that occur following heavy rain. *(Referred to the May 7, 2014 Public Works / Parks & Recreation Committee Meeting.)*

C 2014-90 Communication (03/10/2014) from the Fire Chief, requesting Council approval to receive and expend the recurring Volunteer Fire Assistance Program Grant No. 13-DG-11052012-102 in the amount of \$50,000, for training and acquisition of equipment and materials. *(Approved.)*

C 2014-91 Communication (03/11/2014) from the Director of Finance, transmitting for Council information, the Second Quarter Estimate of Revenues and Expenditures Report (Periods 4-6) for the Fiscal Year 2013-2014. *(Received for the Record.)*

C 2014-92 Communication (03/14/2014) from the Director of Economic Development, requesting Council approval to accept a donation from the Hawai'i Natural Energy Institute (HNEI) for building energy monitoring at 3990 Ka'ana Street, valued at \$64,072, to include hardware, setup, monitoring, data collection, reporting, and suggested retrofit strategies for the facility. *(Approved with thank-you letter to follow.)*

C 2014-93 Communication (03/14/2014) from the County Attorney, requesting authorization to expend funds up to \$65,000 for Special Counsel's continued services to advise and represent the County Council in matters relating to the investigation of personnel matters involving the County Auditor's Office, and related matters (including Ernesto G. Pasion vs. County of Kaua'i, et al., Civil No. 13-00676 ACK RLP (U.S. District Court)). *(Approved.)*

C 2014-94 Communication (03/20/2014) from the County Attorney, requesting authorization to expend funds up to \$10,000.00 to retain Special Counsel to represent the Office of the County Auditor regarding the release of the Fuel Audit, and related matters. *(Received for the Record.)*

#### LEGAL DOCUMENTS:

C 2014-95 Communication (02/24/2014) from the County Engineer, requesting Council approval of the State-County Memorandum of Agreement (MOA) Implementation of County Federal-Aid Highway Projects and Programs. *(Approved.)*

C 2014-96 Communication (03/05/2014) from the Director of Economic Development, recommending Council approval of the County of Kaua'i Kīlauea Agricultural Park Agreement with Malama Kaua'i and the Kīlauea Agricultural Committee relating to the Stewardship of Kīlauea Agricultural Park Complex located on real property identified as Tax Map Key (TMK) No: (4) 5-2-004-047 (por.) and (4)-5-2-004-099 (por.), 75 acres of land situated in the Hanalei District, Kaua'i.

- County of Kaua'i Kīlauea Agricultural Park Agreement for the Stewardship of Kīlauea Agricultural Park Complex located on real property identified as Tax Map Key (TMK) No: (4) 5-2-004-047 (por.) and (4)-5-2-004-099 (por.) ***(Approved.)***

**CLAIMS:**

C 2014-97 Communication (03/07/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Felicia Cowden, for damage to her personal property, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2014-98 Communication (03/10/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Paul Noboru Applegate, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

**COMMITTEE REPORTS: APPROVED.**

**RESOLUTIONS:**

Resolution No. 2014-11 – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2014 TO JUNE 30, 2015 FOR THE COUNTY OF KAUAI ***(Schedule Public Hearing for 05/07/2014 at 5:00 p.m., then referred to the Committee of the Whole.)***

Resolution No. 2014-12 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION ***(Nancy P. Golden) (Deferred pending interview.)***

Resolution No. 2014-13 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION ***(Paul N. Endo) (Deferred pending interview.)***

Resolution No. 2014-14 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND COMMISSION ***(Karen M. Ono) (Received for the Record.)***

Resolution No. 2014-15 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION ***(Lenie F. P. Nishihira) (Approved.)***

Resolution No. 2014-16 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2014 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED (*Deferred to the April 23, 2014 Council Meeting.*)

Resolution No. 2014-17 – RESOLUTION REQUESTING THAT THE STATE OF HAWAII AND AFFECTED COMMUNITY MEMBERS EXPAND ERADICATION AND PREVENTION EFFORTS REGARDING LITTLE FIRE ANTS (*Approved.*)

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2537) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2014 TO JUNE 30, 2015 (*Mayor's Operating Budget*) (*Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 05/07/2014 at 5:00 p.m., and referred to the Committee of the Whole.*)

Proposed Draft Bill (No. 2538) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2014 TO JUNE 30, 2015 (*Mayor's CIP Budget*) (*Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 05/07/2014 at 5:00 p.m., and referred to the Committee of the Whole.*)

Proposed Draft Bill (No. 2539) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. PM-2004-370, AS AMENDED BY ORDINANCE NO. PM-2010-400, AND ORDINANCE NO. PM-2005-374, RELATING TO THE KUKUI'ULA WORKFORCE HOUSING (*Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 04/23/2014, and referred to the Planning Committee.*)

Proposed Draft Bill (No. 2540) – A BILL FOR AN ORDINANCE AMENDING ARTICLE 17, CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO NONCONFORMING USE CERTIFICATES FOR SINGLE FAMILY VACATION RENTALS (*Referred to the Planning Commission.*)

Proposed Draft Bill (No. 2541) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND (*Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 04/23/2014, and referred to the Planning Committee.*)

Proposed Draft Bill (No. 2542) – A BILL FOR AN ORDINANCE AMENDING SECTION 21-9.2 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT (*Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 04/23/2014, and referred to the Committee of the Whole.*)

Proposed Draft Bill (No. 2543) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY MOTOR VEHICLE WEIGHT TAX *(Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 04/23/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.)*

BILLS FOR SECOND READING:

Bill No. 2530 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND *(Police Department – Chief's Office, Regular Overtime - \$500,000) (Received for the Record.)*

Bill No. 2532 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-754, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND – CIP AND SPECIAL TRUST FUND – CIP FOR PARKS & PLAYGROUNDS *(Black Pot Condemnation Balance - \$1,259,905) (Approved.)*

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads *(Via E-mail)*  
KCT CCs *(Via E-mail)*  
Council Services Staff *(Via E-mail)*